

PROCEDURE FOR A LICENSE TO ENCROACH UPON A PUBLIC UTILITY EASEMENT

- A. An application for a License to Encroach upon a public utility easement by the City of College Station must be made pursuant to the procedure described below in order to get a request before the City Council. The application should insure that all stipulations and instructions outlined herein have been complied with prior to submission of the final application for action by the City Council of the City of College Station.

1. Application required

Attached to this information sheet is an application form for encroachment upon a public utility easement.

2. Submission deadline

The application must be completed and returned to the Development Services Department. The Development Services Department will circulate the application among the various City departments for review and approval. After all City departments have executed the application, the Engineering Department will place the application on the next Council agenda. The City Council holds regular sessions on the second and fourth Thursdays of the month at 7:00 p.m. An applicant may attend the meeting, if desired. The item will be presented by the staff. After Council consideration of the request, the applicant will be notified of the action taken by the Council relative to the encroachment request.

3. First page of application

- a. On the first page of the application, the heading information to be filled in includes the name of the addition or subdivision in which the public utility easement is located. The date the application is prepared should be entered in the appropriate space. Item No. 6 on the first page should set out the names and addresses of the abutting property owners who have not consented to the encroachment which you seek. You should also state why their consent was not obtained; that is, if you were unable to locate the abutting property owners or if the abutting property owner refused to give his or her consent, you should so state briefly setting out the points of objection that such owner might have to this encroachment. Additional sheets may be used if necessary to fully explain.
- b. Item No. 7 provides space for a brief statement of the reason why such License to Encroach should be granted. Item No. 8 should relate briefly the history of the use of the easement sought to be encroached. It is very important that the full name and address of the applicant be shown in the space provided. This will insure proper notification to the applicant following action by the Council. The applicant's signature must appear immediately above the typed name and the notary certification must be completed.

4. Exhibit No. 1

You must provide, attached to the application, two sealed copies of the metes and bounds description of that portion of the public utility easement sought to be encroached upon, prepared by a Registered Public Surveyor. Please note, an employee of the Engineering Department, by law, cannot prepare legal descriptions for you.

5. Exhibit No. 2

You must provide, attached to the application, two copies of a plat or detailed sketch of the easement proposed to be encroached upon. Again, this item is most easily furnished by a licensed land surveyor. It must clearly show the surrounding areas to the nearest streets in all directions, abutting lots, and the block or blocks in which the area sought to be encroached upon is located. It shall also show the names of the record owners of the lots abutting the area sought to be encroached.

6. Exhibit No. 3

Exhibit No. 3 must be executed by the various utility companies shown. As applicant you are responsible for circulating the application and securing the signatures of the authorized representatives.

7. Exhibit No. 4

Exhibit No. 4 must be executed by the various City of College Station staff. The Development Services Department will be responsible for circulating the application amongst the City departments.

8. Exhibit No. 5

Exhibit No. 5 constitutes the consent of the abutting property owners (other than the applicant) to the encroachment. The full names, addresses and signatures are required for all who consent to the requested encroachment. The names and addresses of those who cannot be contacted should appear under Item No. 6 on with the appropriate explanation made on Page 1 of the application.

- B. In the preparation of your application, should you encounter any problems or have questions, the answers to which you are unable to find in this information sheet, please do not hesitate to contact the Development Services Department for assistance.
- C. By Council Resolution No. 8-23-01-11.6, the fee for an application has been set at \$325.00, which is non-refundable.



FOR OFFICE USE ONLY

P&Z CASE NO.: _____

DATE SUBMITTED: _____

LICENSE TO ENCROACH APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS

- ☐ \$325.00 License to Encroach application fee.
- ☐ A completed copy of the attached License to Encroach application.
- ☐ All exhibits processed (except for Exhibit No. 4, which will be processed by staff).

ADDRESS _____

LEGAL DESCRIPTION _____

APPLICANT (Primary Contact for the Project):

Name _____ E-Mail _____

Street Address _____

City _____ State _____ Zip Code _____

Phone Number _____ Fax Number _____

PROPERTY OWNER'S INFORMATION (if different from above):

Name _____ E-Mail _____

Street Address _____

City _____ State _____ Zip Code _____

Phone Number _____ Fax Number _____

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Signature of Owner

Date

APPLICATION FOR A LICENSE TO ENCROACH

Date: _____

Location of public utility easement to be encroached upon: _____

Property Owner's Name & Address: _____

Property Owner's Phone Number: _____

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for a License to Encroach the above public utility easement particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such License to Encroach.
2. Attached, marked Exhibit No. 1, are two sealed copies of the metes and bounds description of that portion of the public utility easement sought to be encroached upon, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of the public utility easement sought to be encroached upon and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described public utility easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the License to Encroach.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the License to Encroach.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

7. A License to Encroach the public utility easement should be granted because:

8. Such public utility easement has been and is being used as follows:

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature: _____

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone Number: _____

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 200__, by _____.

Notary Public in and for
the State of Texas

Application for License to
Encroach a Public Utility Easement

Located:_____

EXHIBIT NO. 1

Attached are two sealed copies of the metes and bounds description of that portion of the public utility situated in _____
Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be encroached upon.

Application for License to
Encroach a Public Utility Easement

Located: _____

EXHIBIT NO. 2

Attached are two copies of a plat or detailed sketch of the public utility easement sought to be encroached upon in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public utility easement sought to be encroached upon is situated, and the addition or subdivision in which the portion of the public utility easement sought to be encroached upon is situated. Also, the names of record owners of the abutting lots are shown.

Application for License to
Encroach a Public Utility Easement

Located: _____

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public utility easement sought to be encroached upon in the Application for License to Encroach above referred to, do hereby consent to the encroachment of the described portion thereof.

TXU GAS COMPANY

BY: _____

Title _____

VERIZON TELEPHONE COMPANY

BY: _____

Title _____

COX COMMUNICATIONS

BY: _____

Title _____

Application for License to
Encroach a Public Utility Easement

Located:_____

EXHIBIT NO. 4

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for License to Encroach the public utility easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested license from the City's standpoint.

City Engineer
City of College Station

Building Official
City of College Station

Zoning Official
City of College Station

Fire Marshal
City of College Station

Director of Public Utilities
City of College Station

Application for License to
Encroach a Public Utility Easement

Located: _____

EXHIBIT NO. 5

The undersigned, owners of property abutting upon that portion of the public utility easement named and described in the Application for License to Encroach a Public Utility Easement referred to above, do hereby consent to such license.

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____
